
SUBSTITUTE HOUSE BILL 2509

State of Washington **60th Legislature** **2008 Regular Session**

By House Ecology & Parks (originally sponsored by Representatives Rolfes and Upthegrove)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to the acquisition of aquatic lands by the
2 department of natural resources; and amending RCW 79.105.410 and
3 79.17.210.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 79.105.410 and 2005 c 155 s 163 are each amended to
6 read as follows:

7 (1)(a) The department is authorized to purchase from willing
8 sellers or accept gifts of aquatic land within the state, including
9 tidelands, shorelands, harbor areas, ~~((and))~~ the beds of navigable
10 waters, and any adjacent uplands, all which shall be managed in
11 accordance with the appropriate tidelands and shorelands statutes and
12 become part of the state-owned aquatic land base.

13 (b) Consistent with RCW 79.105.030, the department must develop
14 procedures and criteria that state the manner in which purchases or
15 gifts of aquatic land, ~~((received))~~ obtained after July 27, 2003, may
16 occur. No purchase or gift of aquatic land may be executed or accepted
17 until:

18 ~~((a))~~ (i) An ~~((appraisal))~~ estimate of the value of the land has
19 been prepared;

1 ~~((b) an environmental site))~~ (ii) A risk assessment screening has
2 been conducted; ~~((and (c)))~~

3 (iii) The chain of title ~~((property report))~~ has been examined and
4 approved by the attorney general of the state~~((r))~~; and

5 (iv) The results of the ~~((appraisal, the site assessment, and the~~
6 ~~examination of the title property report must be))~~ processes set out in
7 this subsection (1)(b) have been submitted to the board ~~((before the~~
8 ~~department may accept a gift of aquatic land))~~.

9 (2) The authorization to accept gifts of aquatic land within the
10 state extends to aquatic land accepted as gifts prior to July 27, 2003.

11 (3)(a) In addition to the other requirements of this section, no
12 aquatic lands may be purchased by the department unless the purchase
13 furtheres one or more of the following values:

14 (i) Enhancement of public use or access;

15 (ii) Habitat conservation; or

16 (iii) Habitat restoration.

17 (b)(i) Except as otherwise provided in (b)(ii) of this subsection,
18 aquatic lands purchased by the department under this section may not be
19 leased or subleased to an individual or private sector entity.

20 (ii) The department may lease aquatic lands purchased under this
21 section to an individual or private sector entity only if:

22 (A) The purchased land was, at the time of purchase, put to an
23 active use and the lease is limited to allowing only the same uses that
24 are currently in existence at the time of purchase; or

25 (B) The purchased lands are leased for one of the purposes
26 identified in (a)(ii) or (iii) of this subsection.

27 (4) Prior to the purchase of an aquatic land parcel under this
28 section, the department shall hold at least one public meeting in the
29 local community to provide an opportunity for input and comments on the
30 restoration or conservation plan developed for that parcel.

31 (5) Any grants received by the department for the purpose of
32 purchasing lands under this section must be placed in the natural
33 resources real property replacement account created in RCW 79.17.210.

34 **Sec. 2.** RCW 79.17.210 and 2003 c 334 s 118 are each amended to
35 read as follows:

36 (1) The legislature finds that the department has a need to

1 maintain the real property asset base it manages and needs an
2 accounting mechanism to complete transactions without reducing the real
3 property asset base.

4 (2) The natural resources real property replacement account is
5 created in the state treasury. This account shall consist of funds
6 transferred or paid for the disposal or transfer of real property by
7 the department under RCW 79.17.200 and any grants received under RCW
8 79.105.410. The funds in this account shall be used solely for the
9 acquisition of replacement real property and may be spent only when,
10 and as, authorized by legislative appropriation.

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